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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,941	03/18/2004	Seiji Sawatani	P21-166283M/NY	5154
21254	7590	12/06/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,941	<b>Applicant(s)</b> SAWATANI, SEIJI	
	<b>Examiner</b> Ruth C. Rodriguez	<b>Art Unit</b> 3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 13, 17, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 6, 11, 12, 14-16 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 7-10, 13, 17, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Arisaka (US 6,511,273 B2).

A clip (10) comprises an insertion member (13), a latch member (16), a hinge member (15), a pair of split flanges (11) and a retaining protruding piece (17). The insertion member comprises a T-shape cross-section and has a head portion (18) and a shaft portion (14) connected downwardly from the head portion (Figs. 3-33). The latch member is V-shaped and is disposed on an outer side of the shaft portion (Figs. 3-33). The hinge member connects the shaft portion and the latch member (Figs. 3-33). The shaft portion presses both side leg portions of the latch member outwardly of the latch member to expand in diameter as the head portion is pressed (Figs. 9, 13, 17, 21, 25, 29, 30 and 33). Retaining pawls (19) are provided on projectingly on both side leg portions of the latch member that are engaged with retaining stepped portions (14a) formed in a bulged manner on a lower portion of the shaft portion to hold a state in which the latch member expands in diameter (Figs. 9, 13, 17, 21, 25, 29, 30 and 33). The pair of split flanges are provided to be continued from upper end portions of the

both side leg portions of the latch member and are mated in a shape of a flange by surrounding the shaft portion when the both side leg portions are closed (Figs. 9, 13, 17, 21, 25, 29, 30 and 33). One side of an abutting surface of the split flanges protrudes to form an L-shape in a plan view and abuts against a corresponding side portion of the shaft portion (Figs. 5, 6, 10, 14, 18, 22, 26 and 30). The retaining protruding piece extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion (Figs. 8, 9 and 29). The retaining protruding piece is formed on each of both side leg portions (Figs. 5, 6, 10, 14, 18, 22, 26 and 30). The protruding piece comprises a pawl portion (angled portion of 17) extending from an end of the retaining protruding piece (Figs. 5, 6, 10, 14, 18, 22, 26 and 30). The pawl portion engages a side portion of the shaft portion (Figs. 5, 6, 10, 14, 18, 22, 26 and 30). The split flanges are mated to form a flange surrounding the shaft portion so as to hold the shaft portion when the retaining protruding piece is engaged with the shaft portion (Figs. 9, 13, 17, 21, 25, 29, 30 and 33).

A projection (22) is formed on an inner side of each of the both side leg portions at a position lower than a portion where the hinge member is connected (Figs. 3-33).

The clip further comprises a tool groove formed in a cut-out portion of the head portion (formed between tabs 13a).

The clip further comprises at least one engaging groove formed in a side wall of the shaft portion (formed between 14 and 14a).

The retaining protruding piece engages the engaging groove (Figs. 8, 9 and 29).

The clip further comprises engaging grooves formed in opposing sidewalls of the shaft member (formed between 14 and 14a).

Each protruding piece engages with one of the engaging grooves (Figs. 8, 9 and 29).

An upper portion of a tip of the retaining protruding portion comprises a tapered shape (Fig. 6).

A gap (formed between the end of 14 and 20) is formed between the insertion member and the latch member (Figs. 2-33). The gap is sufficient to enable the insertion member to slide with respect to the latch member (Figs. 2-33).

The shaft portion comprises a substantially rectangular shape (Figs. 2-33).

The hinge is disposed along an inner side wall portion of the latch member (Figs. 10, 12, 13, 26, 27 and 28).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arisaka in view of JP 2002-106519 (JP '519).

Arisaka discloses a clip having all the features mentioned above for the rejection of claim 1. The flanged disclosed by Arisaka fails to completely surround the shaft

portion and stepped portions that are superposed on top of each other are respectively formed on abutting surfaces of the split flanges. However, JP '519 teaches a clip (c1) comprises an insertion member (2,3), a latch member (11B), a hinge member (20) and a pair of split flanges (12). Second stepped portions (12C,12E) are superposed on top of each other are respectively formed on second abutting surfaces of the split flanges (Figs. 1-9). One of the abutting surfaces (12C) that protrudes toward the shaft portion forms a stepped portion in which a lower side is a projection and an upper side is a recess. Another of the abutting surfaces (12E) where the retaining protruding piece is formed forms a stepped portion in which a lower side is a recess and an upper side is a projection. These flanges provided added security to the clip because the flanges completely surround the shaft portion and prevent accidental disengagement of the clip. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a split flange provided with stepped portions as taught by JP '519 in the clip disclosed by Arisaka. Doing so, provides added security to the clip because the flanges completely surround the shaft portion and prevent accidental disengagement of the clip.

***Allowable Subject Matter***

5. Claims 6, 11, 12, 14-16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments filed 11 April 2006 have been fully considered but they are not persuasive.

7. The Applicant argues that the Arisaka fails to disclose, "the pawl portion engages a side portion of the shaft". The Applicant supports his position by reciting the Examiner's arguments of June 16, 2006. The Examiner fails to be persuaded by this argument. The argument contained in the Office Action of June 16, 2006 recites, "In this case, the claims will remain rejected until the claim provide a function for this pawl portion such as engaging a surface or an engaging groove in the shaft portion to constrain lateral movement of the split flanges since the protruding piece only engages the shaft portion at an inner end next to the latch member and the pawl portion does not engage the shaft portion." As can be seen, the claim fails to address the other part of the arguments that states that the function of constraining lateral movement of the split flange with respect to the flange due to the interaction of the pawl portion and the shaft portion even when the clip is not being used. Especially since the Examiner pointed out that the protruding piece engages the shaft portion at the inner end near the latch member. Therefore, the pawl portion that is part of the protruding piece will engage the shaft portion only at the latch location and the pawl portion does not engage the shaft portion at any other location.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Palmer et al. (US 4,312,614), Sato (US 5,028,187), Sinozaki (US 5,689,863), LeVey (US 6,045,309), Meyer (US 6,074,144 and US 6,533,515 B2), Leverger (US 6,196,756 B1), Arisaka (US 6,511,273), Anscher et al. (US 2004/0247410 A1) and Anchor (US 6,910,840 B2) are cited to show state of the art with respect to clips having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.


Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
November 30, 2006

  
**ROBERT J. SANDY**  
PRIMARY EXAMINER